

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Richard J. Hettler, personally and  
as fiduciary for Capital Asset  
Management Group, LLC as its  
trustee;

Civil File No. 0:05-cv-01127-DWF-JSM

**MOTION TO DISMISS**

Plaintiff,

vs.

Thomas Petters, personally; Petters  
Company, Inc.; Petters Group  
Worldwide LLC; Petters Consumer  
Brands, LLC; John Doe and Mary Doe,  
names unknown;

Defendants.

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**MOTION**

Defendants Thomas Petters, et al. hereby move the Court, pursuant to Fed. R. Civ. P. 12(b)(6), for an order:

1. Dismissing Plaintiff's Complaint for failure to state a claim upon which relief may be granted and under the doctrine of res judicata; and
2. Awarding Defendants their reasonable attorneys' fees, costs and disbursements incurred in responding to the Complaint.

**BASSFORD REMELE**  
*A Professional Association*

Dated: June 30, 2005

By s/ David A. Turner  
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